

Public Health (Wales) Bill: Consultation questions

Tobacco and Nicotine Products

The Bill includes proposals to ban the use of nicotine inhaling devices, such as e-cigarettes, in enclosed spaces like restaurants, pubs and at work. Shops will also have to join a register for retailers of tobacco and nicotine products, and it will become an offence to “hand over” tobacco and e-cigarettes to anyone under the age of 18.

Question 1

Do you agree that the use of e-cigarettes should be banned in enclosed public and work places in Wales, as is currently the case for smoking tobacco?

No. E-cigarettes are not tobacco products and emit no smoke. Emissions from e-cigarettes are primarily glycerine and propylene glycol, which are non toxic in quantities encountered. Nicotine emissions are extremely low and below levels likely to have any effect on bystanders. See study for detailed analysis of e-cigarette vapour during intensive use in a small room – <http://www.mdpi.com/1660-4601/12/5/4889>

Businesses currently have discretion over whether they allow vaping on their premises. Many already have policies in place. Additionally it would ban “vape shops” which are lawful businesses from demonstrating their products in their own premises. A law is unnecessary in my view. Guidance giving accurate information to employers and premise owners (such as guidance provided by ASH – http://www.ash.org.uk/files/documents/ASH_900.pdf) to enable them to make informed decisions would be preferable to legislation in my view.

Question 2

Do you believe the provisions in the Bill will achieve a balance between the potential benefits to smokers wishing to quit with any potential dis-benefits

related to the use of e-cigarettes?

No. I believe as it incorrectly proposes to treat e-cigarettes the same as smoked tobacco, it will act as a disincentive to those who wish to quit smoking using e-cigarettes. It will mean that those who wish to use e-cigarettes (overwhelmingly former smokers, or those reducing smoking) have to stand in “smoking areas” to use them. This results in them being exposed to harmful second hand smoke and may trigger relapses in those who have quit smoking.

It will ban shops from demonstrating e-cigarette products to prospective customers. This has the potential to reduce the number of people wishing to switch from smoking to e-cigarettes. For example, a prospective customer (smoker) may wish to try an e-cigarette in store before investing what may be a significant sum in equipment, and this will not be possible in Wales under these proposals.

Therefore, I believe that the proposals will actually be harmful to public health, and will encourage continued smoking.

Question 3

Do you have any views on whether the use of e-cigarettes re-normalises smoking behaviours in smoke-free areas, and whether, given their appearance in replicating cigarettes, inadvertently promote smoking?

I do not believe they re-normalise smoking. The devices most commonly used now (2nd and 3rd generation) do not resemble cigarettes. Neither do they smell like cigarettes. Only at the most superficial glance from a distance could it be considered to look like smoking. An alternative view is that they “normalise” harm reduction rather than smoking, which in my view should be considered a positive. They have been on the market since 2007, and over that period both youth and adult smoking rates have continuously declined in the UK, while e-cigarette use has increased dramatically. If smoking were being re-normalised, surely it would be expected to go up in prevalence?

The Public Health England view is that there is no evidence in the extensive data they have gathered that e-cigarette use “re-normalises” smoking. They concluded “E-cigarettes are 95% less harmful to your health than normal cigarettes. When supported by a smoking cessation service, they help most

smokers to quit tobacco altogether". There is currently no evidence to support the re-normalisation argument.

Question 4

Do you have any views on whether e-cigarettes are particularly appealing to young people and could lead to a greater uptake of their use among this age group, and which may ultimately lead to smoking tobacco products?

There is some evidence of young people trying e-cigarettes, and there are now numerous UK surveys showing a similar pattern. Levels of youth who have ever tried e-cigarettes (at least one puff ever) is relatively high. What is in my view more important is that the numbers who are regular users are extremely low, and regular use is almost entirely confined to current and former smokers. The numbers to date do not suggest many are going on to regular use, or that this is initiating tobacco use. Cancer Research UK carried out a study which shows this to be the case – <http://www.cruk.cam.ac.uk/news/latest-news/research-shows-most-children-do-not-regularly-use-e-cigarettes>

Statistics from England's Health and Social Care Information Centre also show this – <http://www.hscic.gov.uk/catalogue/PUB17879/smok-drin-drug-youn-peop-eng-2014-rep.pdf> and also show that smoking rates in pupils are at the lowest levels since their records began.

It has not been established by any survey to my knowledge, how many of the youth who try e-cigarettes are using non-nicotine containing products. It is also important to note that although most e-cigarette vendors are responsible, and do not currently sell to minors, there is currently no law enforcing that. A law banning sale of e-cigarettes, refills and e-liquid to under 18's would be a sensible step that I support.

Question 5

Do you agree with the proposal to establish a national register of retailers of tobacco and nicotine products?

No specific objections to this as long as requirements reasonable and not excessively costly or onerous for businesses. I understand that the EU Tobacco Products Directive will impose registration requirements on retailers in any event.

Question 6

What are your views on creating a new offence for knowingly handing over tobacco and nicotine products to a person under 18, which is the legal age of sale in Wales?

I disagree with this proposal to criminalise “handing over” nicotine products. E-cigarettes are effective as a method of harm reduction (95%+ less harmful than cigarette smoking). It would therefore criminalise parents who wish to for example provide an e-cigarette to their cigarette smoking child, as a means to encourage quitting smoking. Also such offences are likely to be hard to enforce effectively, and places further demands on an already stretched Police force.

Pharmaceutical NRT products, which contain nicotine, are widely available as general sale items, with few restrictions on sale.

Other comments

Question 21

Are there any other comments you would like to make on any aspect of the Bill?

Regarding the proposals to ban e-cigarette use in public spaces, I firmly believe that legislation should only be considered as a response to evidence of harm. There is no evidence of harm being caused at the population level by e-cigarette use, and they are extremely helpful for smokers who wish to quit. Legislating based on unfounded concerns, fears or on a precautionary basis is fundamentally wrong. Laws once enacted are usually extremely difficult to reverse, even if found with hindsight to be unhelpful. The proposals also fly in the face of recommendations from respected anti tobacco groups including ASH.